

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

LESLIE A. HOWARD,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 3:18-CV-05161-DWC

ORDER ON MOTION FOR ATTORNEY
FEES UNDER THE EAJA

For the reasons set forth in the parties' stipulated motion for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, *et seq.*, and good cause shown, IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff is hereby awarded \$7,988.65 in fees and expenses under the EAJA. Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned her right to EAJA fees to her attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset

1 under the Treasury Offset Program, and (3) agrees to waive the requirements of the
2 Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney.
3 However, if there is a debt owed under the Treasury Offset Program, the Commissioner
4 cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining
5 EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to
6 Plaintiff's attorney.

- 7 2. Plaintiff is hereby awarded costs in the amount of \$1,213.20. Cost may be paid via
8 check or electronic funds transfer.

9 DATED this 29th day of November, 2021.

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12 David W. Christel
13 United States Magistrate Judge

14 Presented by:

15 s/ David J. Burdett
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